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06-15-00

NEW UNITED STATES UTILITY PATENT APPLICATION  
under 37 C.F.R. 1.53(b)

Atty. Docket No.25436/1

06/14/00  
Jc813 U.S. PTO  
09/594065

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10: The undersigned hereby certifies that this United States Patent Application and all papers noted herein as being attached, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 today, **June 14, 2000** and is addressed to: Box: Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

Express Mail Label No.: EL315833936US

By Kathleen M. Williams  
Kathleen M. Williams, Ph.D

Assistant Commissioner of Patents  
Patent Applications  
Washington, D.C. 20231

Express Mail Label No.:  
EL315833936US

Enclosed herewith is a new patent application and the following papers:

First Named Inventor (or application identifier): **Cindy PeachWalker & Dwight Dubois**

Title of Invention: **Compositions, Methods & Kits for Herpes Simplex Virus  
Type 1 & 2 Nucleic Acid Detection**

1. ☒ Specification 30 pages (including specification, claims, abstract) / 38 claims (11 independent)
2. ☒ Declaration/Power of Attorney is:  
☐ attached in the regular manner (unexecuted).  
☒ NOT included, but deferred under 37 C.F.R. § 1.53(f).
3. ☒ 9 Distinct sheets of ☐ Formal ☒ Informal Drawings
4. ☐ Preliminary Amendment.
5. ☐ Information Disclosure Statement  
☐ Form 1449  
☐ A copy of each cited prior art reference
6. ☐ Assignment with Cover Sheet.
7. ☐ Priority is hereby claimed under 35 U.S.C. § 119 based upon the following application(s):

| Country | Application Number | Date of Filing (day, month, year) |
|---------|--------------------|-----------------------------------|
|         |                    |                                   |

- ☐ Priority is hereby claimed under 35 U.S.C. § 120 based upon the following application(s):

| Country | Application Number | Date of Filing (day, month, year) |
|---------|--------------------|-----------------------------------|
|         |                    |                                   |

09594065-061400

The PTO did not receive the following listed item(s)  
09594065-061400

**NEW UNITED STATES UTILITY PATENT APPLICATION**  
under 37 C.F.R. 1.53(b)

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8. ☐ Priority document(s).
9. ☒ Statement Claiming Small Entity Status (Unexecuted).
10. ☐ Microfiche Computer Program (Appendix).
11. ☐ Nucleotide and/or Amino Acid Sequence Submission.  
☐ Computer Readable Copy.  
☐ Paper Copy (identical to computer copy).  
☐ Statement verifying identity of above copies.

12. Calculation of Fees:

| FEES FOR   | EXCESS CLAIMS        | FEE   | AMOUNT DUE      |
|--|----------------------|-------|-----------------|
| Basic Filing Fee (37 C.F.R. § 1.16(a))                           |                      |       | \$760.00        |
| Total Claims in Excess of 20 (37 C.F.R. § 1.16(c))               | 18                   | 18.00 | \$144.00        |
| Independent Claims in Excess of 3 (37 C.F.R. § 1.16(b))          | 8                    | 82.00 | \$656.00        |
| Multiple Dependent Claims (37 C.F.R. § 1.16(d))                  | Y                    | .00   | \$0.00          |
| Subtotal - Filing Fee Due  |                      |       | \$1,560.00      |
|  | REDUCE BY (%)   (\$) |       |                 |
| Reduction by 50%, if Small Entity (37 C.F.R. §§ 1.9, 1.27, 1.28) | 0.50                 |       | \$0.00          |
| <b>TOTAL FILING FEE DUE</b>                                      |                      |       | \$0.00          |
| Assignment Recordation Fee (if applicable) (37 C.F.R. § 1.21(h)) | 0                    | 40.00 | \$0.00          |
| <b>GRAND TOTAL DUE</b>   |                      |       | <b>\$780.00</b> |

13. PAYMENT is:

- ☐ included in the amount of the GRAND TOTAL by our enclosed check. A general authorization under 37 C.F.R. § 1.25(b), second sentence, is hereby given to credit or debit our Deposit Account No. 19-0733 for the instant filing and for any other fees during the pendency of this application under 37 C.F.R. §§ 1.16, 1.17 and 1.18.
- ☒ not included; will be paid with response to Notice of Missing Parts.

14. All correspondence for the attached application should be directed to:

PALMER & DODGE, LLP  
One Beacon Street  
Boston, Massachusetts 02108  
Telephone: (617) 573-0451  
Facsimile: (617) 227-4420

Date: 6/14/00  
Reg. No. 34,380

By Kathleen M. Williams  
Kathleen M. Williams, Ph.D

06/14/00  
jc813 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant or Patentee: Cindy WalkerPeach & Dwight Dubois  
Serial No.: Not yet assigned  
Filed: Filed concurrently herewith  
Attorney Docket No.: 25436/1280

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(d) AND 1.27(d)) -SMALL BUSINESS CONCERN**

I hereby declare that I am an official empowered to act on behalf of the small business concern identified below:

Name of Organization: **Stratagene**  
Address of Organization: **11011 North Torrey Pines Road  
La Jolla, CA 92130**

I hereby declare that the small business concern identified above qualifies as a small business concern as defined in 37 C.F.R. § 1.9(d) for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled

**COMPOSITIONS, METHODS AND KITS FOR HERPES SIMPLEX VIRUS  
TYPE 1 AND 2 NUCLEIC ACID DETECTION**

by inventor(s) Cindy WalkerPeach & Dwight DuBois  
described in

- ☒ the specification filed herewith  
☐ Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern with regard to the above-identified invention.

If the rights held by the above identified small business concern are not exclusive, each individual concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

Ronni Sherman

NAME OF PERSON SIGNING

Executive Vice President & General Counsel

TITLE IN ORGANIZATION

STRATAGENE

11011 North Torrey Pines Road, La Jolla, CA 92037

COMPANY

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

004190-59046560